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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,452	01/26/2001	Jussi Petri Myllymaki	ARC9-2000-0103-US1	5448
29154	7590	04/23/2008		
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2568-A RIVA ROAD				
SUITE 304				
ANNAPOLIS, MD 21401				
EXAMINER				
PEREZ, ANGELICA				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
04/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/769,452

Applicant(s)

MYLLYMAKI, JUSSI PETRI

Examiner

Perez M. Angelica

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____.

1. In view of the appeal brief filed on 2/7/08, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Matthew D. Anderson/

Supervisory Patent Examiner, Art Unit 2618.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery (Emery et al., US Patent No.: 5,727,057) in view of Glorikian (Glorikian, Harry A.; US 00 Patent No.: 6,343,317 B1).

Regarding claims 1 and 10, Emery teaches of a satellite and method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically-associated data, Glorikian teaches of sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC. (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Gorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally...may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described". Where as in the example found on page 6, lines 1-14;

the information is provided in a “shortest-distance-first order”; however, it is not being “pushed”, but it is directly provided by the client’s device stored information).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery’s method of sorting geo-spatial dependent data using client wireless component with Glorikian’s shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claims 2 and 11. Emery in view of Glorikian teaches all the limitations according to claims 1 and 10. Emery further teaches of the usage of a global position satellite (GPS)-type wireless component (CWC)(Figure 1, items 105.1, 107, and 108).

Regarding claim 3, Emery in view of Glorikian teaches all the limitations according to claims 1. In addition, Emery teaches where determining of the location of the CWC includes accessing an area code of the local wireless cellular network (column 16, lines 2-8).

Regarding claims 4 and 12, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches where the determining of the location of the CWC includes explicit entry of location data (column 11, lines 40-42).

Regarding claims 5 and 13, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches of storing the location into the CWC by inputting the location in a location tracking database that stores both the location and timestamp (column 7, lines 19-24).

Regarding claims 6 and 14, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery also teaches of editing the location identifiers to correspond to actual geo-spatial locations (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claims 7 and 15, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches assigning the location identifier based on information other than geo-spatial location (column 3, lines 59-65).

Regarding claims 8 and 16, Emery and Glorikian teach all the limitations of claims 1 and 10. Glorikian further teaches where sorting comprises calculating a distance between the location and the location identifiers and ordering the datum by the distance, beginning with a smallest distance (column 6, lines 1-14; where the smallest distance is pushed to the top).

Regarding claim 9, Emery and Glorikian teach all the limitations of claim 1. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension (column 6, lines 42-45).

Regarding claim 17, Emery and Glorikian teach all the limitations of claim 10. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension based upon user preference (column 12, lines 49-55).

Regarding claim 18, Emery teaches of a method of sorting location dependent data (column 10, lines 34-63), the system comprising: a client wireless component (CWC) (figure 1, item 105), the CWC having: a location tracker operatively configured with a location tracking

database (column 15, lines 5-8); a document database operatively configured with an editor (column 15, line 40-41) a presenter (column 11, lines 32-39) operatively configured with the location tracking database; and a recorder (column 13, lines 54-56); and a session manager (column 11, lines 48-57; shows an example of a session performed by a session manager).

Emery does not specifically teach of a session manager within the CWC, where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order.

In related art, concerning an internet system for connecting client-travelers with geographically-associated data, Glorikian teaches of the session manager within the CWC (column 10, lines 3-8; where the management is done by the client's portable unit, therefore, done by an internal session manager), where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Gorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally...may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described". Where as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"; however, it is not being "pushed", but it is directly provided by the client's device stored information. Column 10, lines 3-8; where the management

of sorting, displaying, starting ending the sessions is done by the client's portable unit, therefore, done by an internal session manager).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting geo-spatial dependent data using client wireless component with Glorikian's session manager shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claim 19, Emery and Glorikian teach all the limitations of claim 18. Emery also teaches where the editor and the recorder comprise editing components that modify the location tracking database (column 14, lines 1-20).

Regarding claim 20, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the presenter retrieves documents from the document database, and sorts them in location-dependent order for presentation by calculating the distance between current location from the location tracking database and location information associated with each document in the document database (column 15, lines 5-8).

Regarding claim 21, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the CWC further includes global positioning satellite (GSP) position components and distance determination for sorting the document database is determined by a signal from a GSP network (Figure 1, item 107).

Regarding claim 22, Emery and Glorikian teach all the limitations of claim 20. Emery also teaches where the CWC includes position determining components for sorting the document

database, the determining components determine location of the CWC by accessing area code of the wireless cellular network (column 16, lines 4-8).

Regarding claim 23, Emery teaches of a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method for sorting location dependent data (column 3, lines 35-36) to perform a method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically-associated data, Glorikian teaches of sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC. (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Gorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally...may then operate

in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described”. Where as in the example found on page 6, lines 1-14; the information is provided in a “shortest-distance-first order”; however, it is not being “pushed”, but it is directly provided by the client’s device stored information).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery’s method of sorting geo-spatial dependent data using client wireless component with Glorikian’s shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claim 24, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location identifier associated with the datum determined by the actual geo-spatial location (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claim 25, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location identifier associated with the datum determined by the non-actual geo-spatial location (column 3, lines 59-65).

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Pub. No.: US 2004/0,110,515 A1, refers to a system and method for providing information based on geographic position.

US Patent No.: 6,625,457 B1, refers to a mobile terminal with location database.

US Pub. No.: 2002/0,086,663 A1, refers to a system, device and method for providing services in a proximity-based environment.

US Patent No.: 6,680,675 B1, refers to an interactive to-do-list item notification system that includes GPS interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 703-272-4177. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

Angelica Perez
(Examiner)

Art Unit 2684

October 13, 2004

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618